Docket No. 10806-156

PATENT

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Darleen E Mann

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	Anneli Attersand	:	Paper No.
Serial No.:	10/029,359	:	Group Art Unit: 1653
Filing Date:	December 21, 2001	:	Examiner: L. A. Mayes

For: **Protein Cluster II**

RESPONSE TO RESTRICTION AND ELECTION REQUIREMENTS

Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Official Action dated January 27, 2003, the Examiner required restriction under 35 U.S.C. §121 between claims 1, 4-7, 9 and 10 drawn to isolated nucleic acid molecules, vectors and cultured host cells and processes for production of a polypeptide by recombinant means, claims 2 and 3 drawn to an isolated polypeptide, and claim 8 drawn to a method for identifying an agent capable of modulating a nucleic acid molecule. Applicant hereby elects claims 1, 4-7, 9 and 10 for prosecution on the merits. This election is made with traverse on the basis that claim 8 is directed to a method which comprises, inter alia, providing a cell comprising the nucleic acid molecule according to claim 1, whereby claim 8 should be examined together with claims 1, 4-7, 9 and 10. Accordingly, reconsideration of the restriction requirement is respectfully requested.

The Examiner further asserted that claim 1 encompasses DNAs encoding two different proteins and Applicant must select a specific sequence for examination. The Examiner indicated that this election requirement is not to be construed as a species election. However, the Examiner asserted that a listing of all claims readable on the elected invention must be provided.

Applicant elects the nucleic acid molecule comprising a nucleotide sequence as shown in SEQ ID NO: 1. This election is made with traverse on the basis that the Examiner has not provided a basis for election of invention or species under 35 U.S.C. §121, and it would not be unduly burdensome for the Examiner to examine the entire subject matter of claim 1 in the present application. Moreover, although it is believed that there is no basis for requiring Applicant to provide a listing of all claims readable on the elected invention, it is believed that all of the elected claims 1, 4-7, 9 and 10 read on the elected invention, as does claim 8, which is believed to be properly included with elected claims 1, 4-7, 9 and 10.

It is believed that this represents a complete response to the restriction and election requirements under 35 U.S.C. §121, and examination of claims 1 and 4-10 on the merits is respectfully requested.

Respectfully submitted,

By _____

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